

OCT 31 2011

JULIA C. DUDLEY, CLERK
BY: 
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION

UNITED STATES OF AMERICA)	Criminal No. 5:05cr00015-1
)	
v.)	<u>2255 FINAL ORDER</u>
)	
NORWOOD WALLACE BARBER)	By: Samuel G. Wilson
)	United States District Judge

In accordance with this court's memorandum opinion entered on this date, it is **ORDERED** and **ADJUDGED** that Barber's motion (Docket No. 130) is **CONSTRUED** as a motion to vacate, set aside or correct sentence, pursuant to 28 U.S.C. § 2255, and the Clerk is directed to **FILE** the motion as such; the § 2255 motion shall be and hereby is **DISMISSED without prejudice** as successive; and the case is hereby **STRICKEN** from the active docket.

Further, finding that Barber has failed to make the requisite substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c)(1), a certificate of appealability is **DENIED**.

ENTER: This 31st day of October, 2011.



United States District Judge